

---

By: **Prince George's County Delegation**  
Introduced and read first time: February 9, 2001  
Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Law Enforcement Officers' Bill of Rights - Hearing**  
3 **Board**  
4 **PG 305-01**

5 FOR the purpose of authorizing the County Executive for Prince George's County to  
6 establish a hearing board to hear administrative charges of excess force against  
7 law enforcement officers in the Prince George's County Police Department; and  
8 generally relating to the Law Enforcement Officers' Bill of Rights.

9 BY repealing and reenacting, with amendments,  
10 Article 27 - Crimes and Punishments  
11 Section 727(d)  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 2000 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 27 - Crimes and Punishments**

17 727.

18 (d) "Hearing board" means:

19 (1) A board which is authorized by the chief to hold a hearing on a  
20 complaint against a law enforcement officer and which consists of not less than three  
21 members, except as provided in paragraphs (2) [and], (3), AND (4) of this subsection,  
22 all to be appointed by the chief and selected from law enforcement officers within that  
23 agency, or law enforcement officers of another agency with the approval of the chief of  
24 the other agency, and who have had no part in the investigation or interrogation of  
25 the law enforcement officer. At least one member of the hearing board shall be of the  
26 same rank as the law enforcement officer against whom the complaint has been filed.

27 (2) (i) The provisions of this paragraph may not be the subject of  
28 binding arbitration.

1 (ii) An agency or an agency's superior governmental authority that  
2 has recognized and certified an exclusive collective bargaining representative may  
3 negotiate with the exclusive collective bargaining representative an alternate method  
4 of forming a hearing board.

5 (iii) A law enforcement officer may elect the alternate method of  
6 forming a hearing board instead of the method described in paragraph (1) of this  
7 subsection if the law enforcement officer works within an agency described in  
8 subparagraph (ii) of this paragraph and the law enforcement officer is included in the  
9 collective bargaining unit.

10 (iv) An agency described in subparagraph (ii) of this paragraph  
11 shall notify the law enforcement officer in writing before the formation of the hearing  
12 board that the law enforcement officer may elect an alternate method of forming a  
13 hearing board if one has been negotiated under this paragraph.

14 (v) If the law enforcement officer elects an alternate method of  
15 forming a hearing board under this paragraph, the alternate method shall be used to  
16 form the hearing board.

17 (vi) An agency or an exclusive collective bargaining representative  
18 may not require a law enforcement officer to elect an alternate method of forming a  
19 hearing board under this paragraph.

20 (vii) If the law enforcement officer has been offered summary  
21 punishment, an alternate method of forming a hearing board may not be used.

22 (3) If a law enforcement officer is offered summary punishment imposed  
23 pursuant to § 734A and refuses, the chief may convene a one-member or more  
24 hearing board and the hearing board shall have only the authority to recommend the  
25 sanctions as provided in this subtitle for summary punishment. If a single member  
26 hearing board is convened, that member need not be of the same rank. However, all  
27 other provisions of this subtitle shall apply.

28 (4) IN PRINCE GEORGE'S COUNTY, IN ADDITION TO THE PROVISIONS  
29 PROVIDED IN PARAGRAPHS (1), (2), AND (3) OF THIS SUBSECTION, THE COUNTY  
30 EXECUTIVE MAY APPOINT A HEARING BOARD COMPOSED OF AT LEAST THREE  
31 MEMBERS WHO ARE NOT LAW ENFORCEMENT OFFICERS TO HEAR ADMINISTRATIVE  
32 CHARGES OF EXCESSIVE FORCE AGAINST LAW ENFORCEMENT OFFICERS IN THE  
33 PRINCE GEORGE'S COUNTY POLICE DEPARTMENT.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
35 effect October 1, 2001.